

Message Text

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60

ORIGIN EA-14

INFO OCT-01 ADP-00 SS-15 NSC-10 CIAE-00 INR-10 NSAE-00

RSC-01 L-03 SCA-01 NSCE-00 PER-05 OPR-02 CPR-02 EB-11

H-02 PRS-01 PA-03 USIA-12 /093 R

DRAFTED BY EA/PRCM:ADROMBERG:EBS

6/29/73, EXT. 22535

APPROVED BY D - MR. RUSH

EA/PRCM - RWSULLIVAN

EA - RSNEIDER

SCA - BWATSON (DRAFT)

L/SCA - KMALMBORG (DRAFT)

DG/PER/CA - ABLOOD (DRAFT)

OPR/FADRC/DR-A - FFILLIUS (DRAFT)

S/CPR - HDAVIS (DRAFT)

EA/EX - ECHAMPAGNE (DRAFT)

EB/TT/MA - RBANK (DRAFT)

S/S - MR. GAMMON

WHITE HOUSE - MR. KISSINGER

----- 055858

R 111944Z JUL 73

FM SECSTATE WASHDC

TO USLO PEKING

INFO AMCONSUL HONG KONG

AMEMBASSY TAIPEI

C O N F I D E N T I A L STATE 135443

E.O. 11652: GDS

TAGS: CGEN, PFOR, CH

SUBJECT: US-PRC CONSULAR RELATIONS

REF: PEKING 333

1. REFTEL INDICATES PRC THINKING ALONG SAME LINES AS WE
REGARDING THE RANGE OF CONSULAR ACTIVITIES TO BE PERFORMED
BY THE TWO LIAISON OFFICES. WE AGREE WITH T'EN THAT
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INCREASED VISITS WILL STIMULATE DEMAND FOR FULL RANGE OF
CONSULAR SERVICES. DEFINITION OF SUCH SERVICES IN DRAFT
MEMORANDUM BELOW REPRESENTS MINIMUM WE BELIEVE PUBLIC AND
CONGRESS WOULD EXPECT US REPRESENTATIVES IN PEKING TO

PERFORM.

2. TO ENSURE THAT VALIDITY OF ACTS PERFORMED BY US OR PRC OFFICERS WILL NOT BE CHALLENGED IN US COURT, IT IS ESSENTIAL THAT OFFICERS PERFORMING CONSULAR SERVICES BE ABLE TO DEMONSTRATE: A) THAT THEY ARE DULY APPOINTED CONSULAR OFFICERS; B) THAT THEY ARE RECOGNIZED AS SUCH BY THE HOST GOVERNMENT; AND C) THAT THEY ARE ACTING WITHIN THEIR CONSULAR DISTRICT. IT IS NOT NECESSARY FROM A LEGAL STANDPOINT TO USE CONSULAR TITLES (E.G., VICE CONSUL, CONSUL, OR CONSUL GENERAL) AND WE AGREE WITH CHINESE THAT THIS WOULD BE UNDESIRABLE. ANY PUBLIC LIST OF OFFICERS AT USLO, THEN, WOULD SIMPLY IDENTIFY OFFICERS IN THEIR FUNCTIONAL CAPACITY (E.G., BLACKBURN: ADMINISTRATION/CONSULAR). IT IS ESSENTIAL, HOWEVER, THAT NOTES IDENTIFY NOMINEES AS "CONSULAR OFFICERS."

3. PRC CONSULAR OFFICERS WILL NOT/NOT BE INCLUDED IN ANNUAL PUBLICATION "FOREIGN CONSULAR OFFICERS IN THE UNITED STATES."

4. WE THEREFORE SUGGEST FOLLOWING WORDING FOR EXCHANGE OF NOTES IN WASHINGTON. NOTES TO BE EXCHANGED IN PEKING WOULD FOLLOW SAME LINES WITH APPROPRIATE LANGUAGE SUBSTITUTION. THE REFERENCE IN THE NOTES TO THE NOMINEE AS "CONSULAR OFFICER," RECOGNITION OF HIM IN THAT CAPACITY IN THE REPLY, AND THE PHRASE "OF THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES" (OR IN OUR CASE "OF THE UNITED STATES OF AMERICA IN THE PEOPLE'S REPUBLIC OF CHINA") WILL SATISFY THE THREE REQUIREMENTS IN PARA. ONE ABOVE.

BEGIN TEXT:

(DATE)

EXCELLENCY:
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I HAVE THE HONOR TO INFORM YOU THAT MR. (NAME), AN OFFICIAL OF THE LIAISON OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA AT WASHINGTON, DISTRICT OF COLUMBIA, HAS BEEN APPOINTED CONSULAR OFFICER OF THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES OF AMERICA AND THAT MR. (NAME), ALSO AN OFFICIAL OF THE LIAISON OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA AT WASHINGTON, DISTRICT OF COLUMBIA, HAS BEEN APPOINTED HIS ALTERNATE.

IT IS REQUESTED THAT RECOGNITION BE GRANTED TO MR. (NAME) AND MR. (NAME) IN THEIR CONSULAR CAPACITY.

ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST

CONSIDERATION.

(SIGNATURE)

HIS EXCELLENCY

WILLIAM P. ROGERS,
SECRETARY OF STATE,
WASHINGTON, D.C.
END TEXT

THE DEPARTMENT WOULD REPLY WITH A NOTE ALONG THE FOLLOW-
ING LINES:

BEGIN TEXT

(DATE)

EXCELLENCY:

I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR
NOTE DATED (BLANK), STATING THAT MR. (NAME) HAS BEEN
APPOINTED CONSULAR OFFICER OF THE PEOPLE'S REPUBLIC OF
CHINA IN THE UNITED STATES OF AMERICA AND THAT MR.
(NAME) HAS BEEN APPOINTED HIS ALTERNATE.

IN COMPLIANCE WITH THE REQUEST CONTAINED IN YOUR NOTE,
RECOGNITION IS ACCORDED MR. (NAME) AND MR. (NAME) IN
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THE ABOVE-MENTIONED CAPACITY.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY
HIGHEST CONSIDERATION.

FOR THE SECRETARY OF STATE
(SIGNATURE)

ENCLOSURE:

CONSULAR IDENTIFICATION CARD.

HIS EXCELLENCY

HUANG CHEN,
CHIEF OF THE LIAISON OFFICE OF
THE PEOPLE'S REPUBLIC OF CHINA.

END TEXT

5. THE DEPARTMENT'S LEGAL ADVISER RECOMMENDS THAT THE
CONSULAR DUTIES BE SPECIFIED IN A SEPARATE MEMORANDUM
TO BE PRESENTED ALONG WITH THE FIRST NOTE RATHER THAN
IN THE NOTE ITSELF. IN THIS WAY WE WOULD HAVE ON THE

RECORD A STATEMENT OF THE DUTIES WHICH WE EXPECT A CONSULAR OFFICER WOULD BE ALLOWED TO PERFORM AND, IN THE ABSENCE OF A DEMURRER FROM THE CHINESE SIDE, WOULD HAVE A BASIS FOR COMPLAINT IN FUTURE WERE PEKING TO ATTEMPT TO LIMIT ANY CONSULAR OFFICER'S ACTIVITIES. THE MEMORANDUM WOULD NOT REQUIRE A RESPONSE. YOU MAY WISH TO GIVE THE CHINESE A DRAFT COPY OF THE MEMORANDUM AT THE SAME TIME YOU PRESENT DRAFTS OF THE PROPOSED EXCHANGE OF NOTES.

6. THE SUBSTANTIVE PORTION OF THE MEMORANDUM WOULD READ:

BEGIN TEXT

IT IS THE UNDERSTANDING OF THE UNITED STATES OF AMERICA THAT ON THE BASIS OF RECIPROCITY THE DUTIES OF CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA ASSIGNED IN THE PEOPLE'S REPUBLIC OF CHINA AND OF CONSULAR OFFICERS
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OF THE PEOPLE'S REPUBLIC OF CHINA ASSIGNED IN THE UNITED STATES OF AMERICA WOULD ENCOMPASS THE FUNCTIONS NORMALLY CARRIED OUT BY CONSULAR OFFICERS IN INTERNATIONAL PRACTICE. THESE WOULD INCLUDE, BUT NOT BE LIMITED TO, NOTARIAL SERVICES, PROTECTION OF CITIZENS (INCLUDING THE RIGHT TO VISIT, ATTEND LEGAL PROCEEDINGS AFFECTING AND RENDER ASSISTANCE TO ANY CITIZEN DETAINED BY AUTHORITIES OF THE HOST GOVERNMENT), ISSUANCE OF VISAS, PROCESSING NORMAL CITIZENSHIP MATTERS (INCLUDING REGISTRATION OF BIRTHS, DECLARATION OF CITIZENSHIP, AND ISSUANCE OF PASSPORTS), AND TRADITIONAL CONSULAR FUNCTIONS IN COMMERCIAL SHIPPING MATTERS. END TEXT

7. IN DISCUSSING THIS MATTER FURTHER WITH PRC AUTHORITIES, YOU SHOULD POINT OUT THAT ALTHOUGH WE WOULD NOT PLAN ANY PUBLIC ANNOUNCEMENT OF THE EXCHANGE OF NOTES, IF ASKED BY THE PRESS, COURTS, OR PUBLIC WHETHER WE HAD "CONSULAR RELATIONS" WITH THE PRC, THE ANSWER WOULD HAVE TO BE AFFIRMATIVE. WE WOULD ALSO HAVE TO CERTIFY UPON REQUEST THAT A PARTICULAR OFFICER WAS A CONSULAR OFFICER.

8. LIAISON OFFICE SHOULD PRESENT MFA WITH DRAFT EXCHANGE OF NOTES ON APPOINTMENT OF CONSULAR OFFICERS, NOTING THAT WE PROPOSE TO USE SAME BASIC TEXT WITH APPROPRIATE LANGUAGE SUBSTITUTION FOR US OFFICERS IN PEKING. USLO SHOULD CONFIRM THAT PRC WOULD NOT REQUIRE "CONSULAR ASSIGNMENT COMMISSION" IN LIEU OF EXCHANGE OF NOTES. IF "CONSULAR ASSIGNMENT COMMISSION" NOT/NOT REQUIRED, WE WOULD SIMPLY ISSUE A PERSONNEL ACTION DESIGNATING CERTAIN USLO PERSONNEL AS CONSULAR OFFICERS.

9. IN LIGHT OF PRC PRESENTATION, DOES USLO STILL PREFER

TO NAME THREE CONSULAR OFFICERS? IF SO, IN WHAT ORDER?

ROGERS

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<< END OF DOCUMENT >>

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